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09/408,794	09/30/1999	KAUSHAL KURAPATI	PHA-23.790	4468

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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/408,794
Filing Date: September 30, 1999
Appellant(s): KURAPATI ET AL.

Steve Cha (44,069)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed April 9, 2003 appealing from the Office action mailed November 4, 2002.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of The Invention

The summary of claimed subject matter contained in the brief is correct.

(6) Issues

The appellant's statement of the issues in the brief is correct

(7) Grouping of Claims

The examiner agrees with appellant's grouping of claims.

(8) Claims Appealed

Claim 15 contains errors as presented in the Appendix of the Appeal Brief. Particularly, the limitation "an adaptive user profile database;" is missing. Claim 15 is correctly written in the Amendment dated August 19, 2002.

(9) Prior Art of Record

5,890,152	RAPAPORT	3-1999
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(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,890,152 by Rapaport et al (Rapaport).

As per claims 1 and 19, Rapaport et al. teach a method of realizing personalized information for a user from multiple information sources, comprising:

- establishing a user profile for the user based on various interests of the user (Column 2, lines 41-44);
- establishing a virtual unified space (column 2, lines 27-40);
- populating the virtual unified space with a plurality of different virtual media collections in accordance with the user profile (column 5, lines 36-39); and

- browsing the unified space under user control (column 5, lines 29-42).

Rapaport teaches a virtual unified space in which the user may browse a search engine using the Internet through the use of a key word, Rapaport does not disclose expressly that the virtual unified space is a virtual library or that the library may be browsed by moving between the plurality of different media collections.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to present the search engine in the form of library with floors in which the user may browse by moving between a plurality of different media collections. One of ordinary skill in the art would have expected Appellant's invention to perform equally well with Rapaport because it is an obvious variation that equally results in the user easily retrieving desired media files.

Therefore, it would have been obvious to one of ordinary skill in this art to modify Rapaport to obtain the invention as specified in claims 1 and 19.

As per claim 4, Rapaport teaches the method of claim 1 as stated above. Rapaport further teaches that the user profile establishing step comprises loading from memory a previously created user profile (column 6, lines 50-60).

As per claim 5, Rapaport teaches the method of claim 1 as stated above. Rapaport further teaches that the user profile establishing step comprises:

- presenting a variety of questions to the user about the user's interests (column 7, line 53); and
- creating a user profile based on the user's answers to the questions (column 7, lines 51-78).

As per claim 6, Rapaport teaches the method of claim 1 as stated above.

Rapaport further teaches that the populating step comprises:

- acquiring information items from a plurality of information sources of different media type in accordance with the user profile (fig 15a); and
- placing the information items into the virtual multiple media collections based on their respective information sources (fig 15a).

As per claim 7, Rapaport teaches the step of claim 1 as stated above. Rapaport further teaches that the populating step comprises:

- comparing the user profile with a collective profile database to establish a similar collective profile (column 18, lines 58-67) column 19, lines 1-16);
- acquiring information items from a plurality of information sources of different media type in accordance with the collective profile (column 18, lines 58-67; column 19, lines 1-16); and
- media collections based on their respective information sources (column 18, lines 58-67., column 19, lines 1-16).

As per claim 8, Rapaport teaches the step of claim 7 as stated above. Rapaport further teaches that the method comprises:

- identifying a selection of at least one of the information items by the user from one of the media collections (column 3, lines 22-24); and
- updating the user profile in accordance with the identifying step (column 3, lines 24-26).

As per claim 11, Rapaport teaches the step of claim 1 further comprising:

- searching the virtual unified space with a search engine under user control (column 5, lines 29-42); and
- updating the user profile in accordance with the search step (column 5, lines 29-42).

As per claim 12, Rapaport et al. teach the step of claim 11 further comprising storing results of the searching step as media collections in the unified space for browsing by the user (column 5, lines 29-42).

As per claim 13, Rapaport et al. teach the step of claim 12 further comprising filtering results of the searching step in accordance with the user profile (column 9, 29-39., column 10, lines 32-50).

As per claim 14, Rapaport et al. teach the step of claim 13, further comprising prioritizing results of the searching step in accordance with the user profile (column 38, lines 15-24; column 38, lines 30-35).

As per claim 15, Rapaport et al. teach a receiver apparatus for obtaining content from multiple information sources for viewing by a viewer, comprising:

- an input/output ("I/O") controller including an Internet connection input, a video output, and a selector input (column 2, lines 29-34); and
- adaptive user profile database (column 2, line 34);
- a filter coupled to the adaptive user profile database, the filter being coupled to the VO controller for filtering information from the Internet connection input in accordance with the adaptive user profile database (column 33, lines 36-55; column 13, lines 24-33);

- means for displaying a virtual unified space through the video output (column 2, line 30);
- means for populating the virtual unified space with virtual multiple media collections using the filtered information from the implicit filter (column 33, lines 36-55); and
- means for browsing the unified space in accordance with the selector input (column 33, lines 36-55).

Rapaport teaches a virtual unified space in which the user may browse a search engine through the use of a key word, Rapaport et al does not disclose expressly that the virtual unified space is a virtual library or that the library may be browsed by moving between the plurality of different media collections.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to present the search engine in the form of library with floors in which the user may browse by moving between a plurality of different media collections. One of ordinary skill in the art would have expected Appellant's invention to perform equally well with Rapaport et al because it is an obvious variation that equally results in the user easily retrieving desired media files.

Therefore, it would have been obvious to one of ordinary skill in the art to modify Rapaport to obtain the invention as specified in claim 15.

As per claims 9, 16, and 20, Rapaport et al. teach the method of claims 1, 15, and 19 as stated above, wherein the media collections comprise respective pluralities of similarly classifiable information items, further comprising;

- means for identifying a selection of at least one of the information items by the user from one of the media collections (column 3, lines 22-24); and
- means for updating the user profile in accordance with the identifying step (column 3, lines 24-26).

As per claims 2 and 3, Rapaport teaches claim 1 above in the disclosure of their invention. Rapaport fails to teach that the virtual unified space is a library or that it comprises a plurality of floors of a virtual library.

Rapaport teaches a virtual unified space in which the user may browse a search engine through the use of a key word, Rapaport et al does not disclose expressly that the virtual unified space is a virtual library with floors.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to present the search engine in the form of library with floors. One of ordinary skill in the art would have expected Appellant's invention to perform equally well with Rapaport because it is an obvious variation that equally results in the user easily retrieving desired media files.

As per claims 10, 17, and 21, Rapaport teaches the method of linking two similar profiles and providing them with similar media collections (column 18, lines 58- 67., column 19, lines 1-16).

Rapaport does not teach the maintaining of a collaborative database.

It would be obvious to one of ordinary skill in the art at the time the invention was made to augment the user profile in accordance with a collaborative database because

it would decrease the filtering required and could be used to refer the users of common profiles to media collections commonly accessed by users of similar profiles.

As per claim 18, Rapaport teaches the method as in claim 17 wherein the I/O controller further comprises an input for receiving television programs, including additional information through the television program and electronic program guide information, the filter being coupled to the I/O controller for filtering information from the television program input in accordance with the adaptive user profile database (column 13, lines 24-33). This is inherent to the invention of Rapaport because the invention refers to 'media files', which include television programs.

(11) Response to Argument

As per Appellant's argument that Rapaport is silent with regard to a virtual library and does not disclose moving between different media collections, Examiner maintains her position that the Internet can be considered a virtual library, and it is inherent that a user, when searching, moves through different data or media collections. A common example is CNN.com. Sites such as this allow a user to enter search terms, and then move between different selections of media files. The difference between Rapaport's teachings and that of the Appellant is the presentation of the "virtual library". The Examiner considers the modification of Rapaport's teachings to simulate a virtual library to be commonly known to one of ordinary skill in the art at the time the invention was made. Examiner considers the features of the claimed invention to be obvious modifications/variations of the teachings of Rapaport because the difference lies in the presentation to a user while the essential function is the same.

As per Appellant's argument that Examiner's position is being gleaned from Appellant's invention, Examiner asserts that she did not rely upon the Appellant's invention, but instead relied upon the fact that it is well known in the art that a user can browse through media collections using the Internet. It is also well known in the art how to modify the presentation of a web page.

As per Appellant's complaint that the Examiner reiterates the Applicant's claimed invention to reconstruct a case for obviousness, Examiner maintains that Rapaport teaches a personalized browser that allows a user to search and browse through media collections. However, Rapaport does not specifically disclose a virtual library. However, Rapaport teaches that the Internet can be used obtain the media collections. Here, the Examiner asserts that Rapaport suggests what can be interpreted as being a virtual library. It would have been obvious at the time the invention was made to present the browser to simulate a library because the layout of a library is well known, and to present a browser to simulate a library would have been well known to one of ordinary skill in the art.

As per Appellant's argument that the Rapaport does not teach or suggest the claim limitations, Examiner asserts that Rapaport teaches a personalized browser that allows a user to search and browse through media collections. However, Rapaport does not specifically disclose a virtual library. However, Rapaport teaches that the Internet can be used obtain the media collections. Here, the Examiner asserts that Rapaport suggests what can be interpreted as being a virtual library. It would have been obvious at the time the invention was made to present the browser to simulate a library because

the layout of a library is well known, and to present a browser to simulate a library would have been well known to one of ordinary skill in the art.

As per Appellant's argument that a meta-browser is not an obvious variant of a browser, Appellant is arguing matter not explicitly claimed in the claims of the specification. Appellant further argues that the claimed invention involves searching a multitude of sources, where Rapaport teaches searching the single source of the Internet. However, Appellant does not distinguish in claims what that a multitude of sources are searched in addition to the Internet. Applicant further argues that the meta-browser "preferably monitors for data events even if the user engages in other activities such as. . ." Appellant continues to argue features not claimed in the claims of the specification.

As per Appellant's argument that the virtual library of the claimed invention searches outside the scope of the Internet and is more than just a text-based search engine, Appellant is arguing features not claimed in the claims of the specification.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



David Lazaro

Conferees:



ZARNI MAUNG
SUPERVISORY PATENT EXAMINER



SALEH NAJJAR
SUPERVISORY PATENT EXAMINER